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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT CHRISTOPHER REILLY III
and SUZANNE DOROTHY REILLY,

Plaintiffs,

v.

BRIAN T. MOYNIHAN, et al.,

Defendants.

2:10-CV-1005 JCM (RJJ)

ORDER

Presently before the court is plaintiffs' motion for a temporary restraining order (Doc. #3).

Although plaintiffs request the court to enter a temporary restraining order against defendants, plaintiffs fail to inform the court exactly what they are seeking to enjoin defendants from doing. However, a temporary restraining order is still not appropriate even if the court assumes plaintiffs are seeking to enjoin defendants from foreclosing on the property located at 7617 Kiowa Pointe St., Las Vegas, NV 89131.

As with a preliminary injunction, a temporary restraining order requires that the plaintiffs establish all of the following: (1) the likelihood of success on the merits; (2) irreparable harm in the absence of preliminary relief; (3) balance of equities tipped in plaintiffs' favor; and (4) the injunction be in the public interest. *Winter v. Natural Resources Defense Council, Inc.*, - U.S. -, 129 S. Ct. 365, 374 (2008). Additionally, plaintiffs must demonstrate a threat of immediate and irreparable injury, loss or damage when seeking a temporary restraining order. *See* Federal Rule of Civil Procedure 65.

...

1 Here, the plaintiffs are unlikely to succeed on the merits. Plaintiffs rely on Arizona law to
2 support many of their arguments. Arizona law does not apply in this case. Plaintiffs also make
3 numerous arguments without providing legal authority in support of such arguments. Without proper
4 legal authority, plaintiffs are unlikely to succeed on the merits.


5 Additionally, it appears that plaintiffs have stopped making payments on their mortgage loans
6 (it is unclear as to when plaintiffs stopped making the payments), and therefore, the balance of
7 equities does not tip in their favor.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion for a
10 temporary restraining order (Doc. #3) is DENIED.

11 IT IS FURTHER ORDERED that plaintiffs' motion for entry of clerk's default (Doc. #2) is
12 DENIED.

13 DATED June 25, 2010.

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16 **UNITED STATES DISTRICT JUDGE**